

**Addendum 6
For
Financial Project Number: 406869-8-52-01
Federal Aid Project Numbers: 0953 112 I
Contract Number: E5R39**

**Widening of SR 9 (I-95) from SR 406 to 0.5 miles north of SR 44
in Brevard and Volusia Counties**

Page 4 of 73, Section III - THRESHOLD REQUIREMENTS, C - Price Proposal Guarantee:

The entire section is deleted and replaced with the following:

A bid guaranty in an amount of not less than five percent of the total bid amount shall accompany each Proposer's Price Proposal. The guaranty may, at the discretion of the Proposer, be in the form of a cashier's check, bank money order, bank draft of any national or state bank, certified check, or surety bond, payable to the Department. The surety on any bid bond shall be a company recognized to execute bid bonds for contracts of the State of Florida. The guaranty shall stand for the Proposer's obligation to timely and properly execute the contract and supply all other submittals due therewith. The amount of the guaranty shall be a liquidated sum, which shall be due in full in the event of default, regardless of the actual damages suffered. The bid guaranty of all Proposers' shall be released pursuant to 3-4 of the Division I Design-Build Specifications.

If the Financial Proposal requires debt financing as a source of funds or guarantee, and the Proposer is unable to secure a Final Letter of Commitment or statement indicating no change, the Department may, upon determining in its sole and absolute discretion that the Proposer had at all material times during the procurement acted in good faith and undertaken all reasonable due diligence otherwise necessary to obtain such debt financing, permit the Proposer to withdraw its Price Proposal without forfeiture of the Proposer's bid guaranty. Prior to any such consideration by the Department as to potential waiver of a bid guaranty, the Proposer must make a written request to withdraw its Price Proposal and for return of its bid guarantee and therein fully explain how the Proposer has during the procurement acted in good faith and undertaken all reasonable due diligence in attempting to secure a Final Letter of Commitment or statement indicating no change. The Proposer must submit its request and full explanation within fourteen (14) days after the Department's posting of its intended award to the Proposer. The Department will notify the Proposer in writing of its decision, which decision will be final and not subject to administrative or judicial review. Upon the Department's determination that the Proposer is permitted to withdraw its Price Proposal, the Department will also release the Proposer's bid guaranty to the Proposer where the Department has also determined that the Proposer has complied with the conditions precedent stated herein.

Please respond upon receipt, and direct any questions to Tina Knox at (386) 943-5529, or at christina.knox@dot.myflorida.com

Posted: April 16, 2012 @ 8:30 am

By: Tina Knox

Failure to file a protest within the time prescribed in section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under chapter 120, Florida Statutes.